S.B.CIVIL WRIT PETITION NO.991/2004

Executive Director, Central Wool Development Board & Anr.
Vs.
Additional District & Sessions No.3 & Ors.

Date of order **: :** 26.04.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr.N.M.Lodha, AAG for the petitioners.
Mr.B.P.Mathur]
Mr.S.G.Ojha], for the respondents.

Heard learned counsel for the parties.

In this case, petitioners are challenging the order dated 7.8.2001 passed by the appellate court in appeal for maintaining the status quo. It is contended by counsel for the petitioner that there is apprehension that some other persons will encroached the land. Therefore, in the interest of justice, the petitioner-Department may be permitted to construct boundary wall upon the disputed land.

The learned counsel for the private respondent opposed the prayer and submit that order for maintaining status quo has already been passed by the appellant court,

therefore, no further order is required. Learned counsel for UIT does not dispute, if any order is passed for construction of boundary wall upon the disputed land.

In the interest of justice and to protect the disputed land from encroachment, it is ordered that petitioner Department may construct boundary wall only upon the disputed land. However, it is made clear that it will not create any right in favour of the petitioner and possession upon the disputed land will be subject to the final decision of the suit. Further, the trial court is directed to expedite the trial of the suit and suit may be decided preferably within a period of one year.

With the aforesaid observation/directions, this writ petition stands disposed of.

(GOPAL KRISHAN VYAS) J.

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